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T-710 P.007/015 F-848

U.S. Patent Application Serial No. 10/620,550
Amendment dated September 11, 2007
Reply to Office Action of May 11, 2007

Amendments to the Drawings begin on page 11 of this paper and include two replacement sheets.

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REMARKS

SEP 11 2007

Applicant has read and considered the Office Action dated May 11, 2007 and the references cited therein. Claim 17 has been amended. Claims 24 and 25 have been canceled without prejudice or disclaimer. New claim 26 has been added. Claims 3-17, 20-23 and 26 are currently pending. Reconsideration and reexamination are hereby requested.

The drawings were objected to because the cross hatching in Figure 7 and 8 is improper based on the material of the element. Replacement drawings are enclosed and include correct hatching. Applicant asserts that the objection to the drawings has been overcome.

Claims 3-12, 14, 17 and 20-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jones. With regard to claim 17, the Action states that Jones discloses a rail system comprising a rail 19 to be suspended from a mounting surface 33, wherein the rails configure to suspend a curtain therefrom. The Office Action also states that Jones discloses a safety connection coupled to the curtain rail, the safety connection comprising a first 23 and a second 15 retaining element, wherein after mounting, one of the retaining elements is coupled to the rail to be suspended and the other of the retaining elements is connected to the mounting surface, first and second retaining elements being detachably connected to each other such that, under the influence of tensile force applied to the retaining elements, the retaining elements disconnect, wherein the secondary retaining element innerly forms a reasonably lift 17, and wherein the first and second retaining elements are configured to cooperate via the integrally formed resilient lift to affect the detachable coupling of the retaining elements. The Office Action refers to Figures 1-3 of Jones.

Applicant respectfully traverses the rejection. Applicant asserts that element 19 is not a rail as recited in claim 17. Applicant further asserts that the retaining elements of Jones are simply snaps that are pushed together in conventional snapping engagement. Applicant asserts that the retaining elements do not include the resilient lift of the present invention. Moreover, Applicant asserts that the rail is not a horizontal rail as now recited in claim 17 and the "rail" of Jones is an element that extends vertically. The retaining elements of the snaps of Jones engage horizontally from beneath a curtain rail. In the present invention, the curtain rail is the element that is to be suspended from an overhead mounting surface. Claim 17 now recites that the rail is

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a horizontal rail. Moreover, claim 17 recites that one of the retaining elements is coupled to a first groove of the rail. Claim 17 also recites that the rail includes a second groove configured for receiving curtain runners. The alleged rail of Jones does not receive curtain runners but is part of a curtain runner. The structure is substantially different and used for mounting different elements in a different manner. The snap connectors of Jones receive a force acting laterally on the retaining elements and does not provide for a safety connection designed to disengage under a predetermined stress. The snap of Jones is merely configured for easily coupling and decoupling so that the curtain may be removed and cleaned, for example. No tensile force limit is taught or suggested by the snaps of Jones.

The present invention provides for mounting a curtain rail in a manner that will disconnect under predetermined force. Moreover, Applicant asserts that the intended use of the present invention is not obvious in view of the Jones reference, as the snap connectors are used for different purposes than the retaining elements of the present invention. Applicant asserts that claim 17 and the claims depending from claim 17 patentably distinguish over Jones and the other prior art.

In addition, Applicant asserts that claim 10 recites the first retaining element, after mounting, extends at least partly through a substantially vertical passage of the second retaining element. Applicant asserts that as clearly shown in Figures 2 and 3, the retaining element 17 and 23 of Jones mate along a horizontal axis and not a vertical passage. The forces acting on the retaining elements of Jones are not along the direction of engagement but rather are at a substantially right angle to the forces. Therefore, Applicant asserts that Jones neither teaches nor suggests the system of claim 10.

Moreover, claim 11 recites that the first retaining element is provided with a widened head, located after mounting, above said passage, which head touches the front end of the resilient lip of the second retaining element. As clearly shown in Figure 2 of Jones, the widened head inserts through the resilient lip and is positioned beside, but not above the passage. Applicant asserts that the snap engagement of Jones is used for a different purpose and it has

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forces acting on it in different orientations than that of the present invention. Applicant asserts that claim 11 patentably distinguishes over Jones and any other prior art combination thereof.

Claim 14 recites that the first and second retaining elements are each of a rotation-symmetrical design relative to an access of symmetry, which is vertical, at least after mounting. As discussed above, the connectors of Jones align and engage horizontally and are acted on by forces from a different direction.

Claims 15 and 16 were rejected under 35 U.S.C. § 103 as being unpatentable over Jones. Applicant asserts that claim 17 patentably distinguishes over Jones for at least the reasons discussed above. Applicant further asserts that claims 15 and 16 depending from claim 17 are also allowable for the same reasons as well as others. Applicant requests the rejection under 35 U.S.C. § 103 over Jones be withdrawn.

Finally, claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Froment et al. Applicant asserts that Froment fails to remedy the deficiencies discussed above with respect to Jones. Applicant asserts that claim 17 patentably distinguishes over the combination of Jones and Froment et al. and the other prior art. Applicant respectfully asserts that as claim 17 patentably distinguishes over the combination of Jones and Froment, claim 13 also patentably distinguishes over the combination. Applicant respectfully requests that the rejection of claim 13 over Jones and Froment be withdrawn.

New claim 26 recites that the retaining element coupled to the mounting surface is fixedly coupled to the mounting surface. Applicant notes that Jones shows only a snap that slides along the key way in the track 13. The Jones connectors are used for a much different purpose and are configured differently than retaining elements of the present invention. Applicant asserts that the retaining elements of the present invention are neither shown nor suggested by Jones, Froment or any other prior art. Applicant asserts that claim 26 is allowable for at least this reason as well as others.

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Applicant asserts that the claims are in condition for allowance. A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone conference may be helpful in this matter, please contact Applicant's representative at 612-336-4728.

Respectfully submitted,

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